THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.15578 of 2006

Dated: 07-08-2006

Between:

Kaveti Padmavathi

..... PETITIONER

AND

Station House Officer,
Pulivendula P.S.,
Cuddapah District and three others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.15578 of 2006

ORDER: (per Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> "For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of habeas corpus declaring that the action of the respondents in detaining
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> 1. Sathuppati Paramesh Babu, aged 14 years, auto driver
> 2. Sathupati Manikanta Babu, aged 13 years, student of 7th Class, both son of Munaiah, R/o Kummari Veedhi, Nagirigutta, Pulivendula, Cuddapah District.
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> From 20-07-2006 without producing in any Court or before the Juvenile Board is illegal, and further direct the respondents to forthwith produce the two detenues before this Hon'ble Court and set them free, and pass such other order or orders as this Hon'ble Court deems fit and proper."

The petitioner in her affidavit complains that on 20-07-2006 two of her nephews by name Sathupati Paramesh Babu and Sathupati Manikanta Babu were taken away by respondents 1 and 2 herein and

were illegally detained without being produced before appropriate Forum in accordance with law. According to the petitioner the first detenu is 14 years of age and second detenu is 13 years of age. It is her further case that four Police Constables of Pulivendula Police Station came to her residence, enquiring the whereabouts of her son Venkatasubbaiah. As the said Venkatasubbaiah was not available at the residence, the Police took away her nephews.

The learned Advocate General took notice on 27-08-2006. Today, when the matter is taken up for consideration, a counter affidavit is filed on behalf of the respondents, wherein it is stated that the above mentioned Paramesh Babu and Manikanta Babu were arrested on 27-07-2006. The first detenu was produced before the Judicial First class Magistrate, Pulivendula on
28-07-2006 and the second detenue was produced before the Judicial First Class Magistrate, Juvenile Court, Anantapur District. On medical examination, the first detenu was found to be aged about 20 to 21 years, whereas the second detenu was found to be 13 years and therefore, second detenu was produced before the Juvenile Court. On production, the first detnu was remanded to judicial custody and is now lodged at Sub-Jail, Pulivendula, whereas the second detenu is lodged at Government Observation Home for Boys, Anatapur.

According to the counter, the background in which these two alleged detenus came to be arrested is that on 29-05-2006, a complaint came to be lodged with the Pulivendula Police Station by one Nakka Vemanarayana to the effect that on the same day when he was waiting at Parnapalli Bus Stop in Pulivendula town, all of a sudden five persons including a woman forcibly dragged him into an auto and took him to a building, which was under construction near Nagarigutta area of Pulivendula town where the said complainant was beaten and relieved of some gold ornaments carried by him.

Thereupon, the first respondent registered Crime No.74 of 2006 under Section 395 IPC.

During the course of investigation, one Pasupuleti Ganga Devi was apprehended on 11-06-2006, suspecting to be the woman involved in the crime. On examination, she confessed to have committed the above offence and also mentioned the names of the son of the petitioner and the second detenu along with the names of certain other persons alleged to have been involved in the case of dacoity. On 12-06-2006, she was arrested and produced before the Judicial First Class Magistrate, Pulivendula and remanded to judicial custody. On 17-06-2006, the IV Additional Junior Civil Judge, Kadapa has held Test Identification Parade and the complainant in the above mentioned crime, identified Pasupuleti Ganga Devi to be the woman involved in the attack on him.

In the facts and circumstances of the case and in view of the fact that both the above detenus were already produced before appropriate Fora in accordance with law, we do not see any reason to proceed further with the writ petition.

Learned counsel for the petitioner Sri K.Balagopal, however submitted that the finding of respondents that the first detenu Paramesh Babu was aged about 20 to 21 years, is a disputed fact and it may be left open to the petitioner to establish the age of Paramesh Babu in appropriate proceedings. We, therefore, observe that it is open to Paramesh Babu or anybody acting on his behalf to establish his correct age, before appropriate forum, which is relevant for the purpose to proceed with the criminal proceedings pending against him.

The writ petition is accordingly disposed of. No costs.

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J.Chelameswar,J

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D.Appa Rao,J

Date: 07-08-2006
klp